



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

INTERVET INC.
PATENT DEPARTMENT
PO BOX 318
MILLSBORO DE 19966-0318

COPY MAILED

MAR 10 2006

**OFFICE OF PETITIONS
ON PETITION**

In re Application of
Scot Shepard
Application No. 09/766,043
Filed: January 19, 2001
Attorney Docket No. D/2001,690 US PD

This is a decision on the petition under 37 CFR 1.181 to withdraw the holding of abandonment, filed June 13, 2005.

The petition to withdraw the holding of abandonment is **Dismissed**.

Any request for reconsideration should be filed within **TWO MONTHS** of the mailing date of this decision in order to be considered timely. 37 CFR 1.181(f). This time period may not be extended pursuant to 37 CFR 1.136.

This above-identified application became abandoned for failure to file a response to a Notice to File Corrected Application Papers which was mailed on February 18, 2003. The Notice to File Corrected Application Papers set an extendable two (2) month period for reply. No timely request for extension of time was obtained under the provisions of 37 CFR §1.136(a). Accordingly, this application became abandoned on April 19, 2003. A Notice of Abandonment was mailed on October 22, 2003.

Petitioner states the Notice to File Corrected application papers mailed on February 18, 2003 was never received. ~~Petitioner attest that the Notice was never received.~~
Petitioner further contends there are adequate policies and procedures in place to process mail.

The showing required to establish the failure to receive an Office communication must include a statement from the practitioner stating that the Office communication was not received by the practitioner and attesting to the fact that a search of the file jacket and docket records indicates that the Office communication was not received. A copy of the docket record where the non-received Office communication would have been entered had it been received and docketed must be attached to and referenced in practitioner's

Although petitioner states that the Notice was not received, petitioner has failed to state he searched the file jacket and docket records. Petitioner has failed to provide any docket records which may support a finding that the Notice to File Corrected Application Papers was never received.

Further correspondence with respect to this matter should be addressed as follows:

By delivery service:
(FedEx, UPS, DHL, etc.)

**U.S. Patent and Trademark Office
Customer Service Window,
Randolph Building
401 Dulany Street
Alexandria, VA 22314**

Charles R. Gray

Charlema R. Grant
Petitions Attorney
Office of Petitions

¹M.P.E.P. § 711.03(c); See Notice entitled "Withdrawing the Holding of Abandonment When Office Actions Are Not Received," 1156 O.G. 53 (November 16, 1993).